IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO. 397 OF 2004

Mr. Dadarao Piraji Avhad. ... Appellant.

V/s.

Mr. Devidas Piraji Avhad. ... Respondent.

....

Mr. P.S. Dani for the Appellant.
Mr. Shiva D. Patil for the Respondent.

CORAM : DR.D.Y. CHANDRACHUD J.

05TH JULY 2007.

P.C. :

. Both the Courts below have on an appreciation of the evidence on record disbelieved the case of the Appellant that the house property which is in occupation of the Respondent, who is the brother of the Appellant was the self-acquired property of the Appellant. The finding of fact of both the Courts is that the joint family had a sufficient nucleus for the purchase of the property consisting of 12 acres of land. The mother of the Appellant and the Respondent also stated that there was another property at Mahadeowadi for which expenses were borne from the income of the joint family. She deposed

that the said house was sold by the Appellant-Plaintiff in the year 1989 for a consideration of Rs.13,000/-. The suit property was acquired for a total consideration of Rs.12,000/-, for which payment was made in instalments.

2. At the hearing of the Second Appeal, the submission of Counsel appearing for the Appellant requires the Court to re-appreciate the evidence; something which would be beyond the province of the jurisdiction in a Second Appeal.

3. Hence, no case for interference is made out since no substantial question of law is raised. The Second Appeal is dismissed.